



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/084,676 Confirmation No. : 2539
First Named Inventor : Iris ZIEGLER
Filed : February 28, 2002
TC/A.U. : 1618
Examiner : Blessing Fubara

Docket No. : 029310.50932
Customer No. : 23911

Title : Oral Pharmaceutical Forms of Administration with a
Delayed Action

REPLY TO OFFICE ACTION

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed February 7, 2007 in the above-identified patent application, reconsideration of the application is respectfully requested in view of the following remarks and the accompanying Terminal Disclaimer.

The Declaration Evidence of Record

The Office Action criticizes the Declaration of Dr. Iris Ziegler under 37 C.F.R. §1.132 filed December 15, 2006 on grounds that the Declaration is directed to the process of making the product and not to the claimed product. This criticism misapprehends the nature and significance of the Declaration evidence. To be sure, the Declaration describes how the claimed product was made, but the Declaration then goes on to characterize the properties of the claimed product comprising a compound formed of tramadol hydrochloride and diclofenac sodium and compare them to the properties of a tablet formed from a mixture of the same two active substances. As noted in the Office Action, a compound is characterized by having different properties than its constituents. The different release profile and the different differential scanning calorimetry